

1 MAYER BROWN LLP
2 LEE H. RUBIN (SBN 141331)
3 lrubin@mayerbrown.com
4 EDWARD D. JOHNSON (SBN 189475)
5 wjohnson@mayerbrown.com
6 DONALD M. FALK (SBN 150256)
7 dfalk@mayerbrown.com
8 ANNE M. SELIN (SBN 270634)
9 aselin@mayerbrown.com
10 Two Palo Alto Square, Suite 300
11 3000 El Camino Real
12 Palo Alto, CA 94306-2112
13 Telephone: (650) 331-2000
14 Facsimile: (650) 331-2061

15 *Attorneys for Defendant
16 Google Inc.*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IN RE: HIGH-TECH EMPLOYEE
ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:
ALL ACTIONS

Master Docket No. 11-CV-2509-LHK

**DECLARATION OF ANNE M. SELIN
IN SUPPORT OF DEFENDANTS'
JOINT RESPONSE TO PLAINTIFFS'
ADMINISTRATIVE MOTION TO SEAL
REGARDING FILINGS RELATED TO
PLAINTIFFS' OPPOSITION TO
DEFENDANTS' JOINT MOTIONS *IN
LIMINE***

I, Anne M. Selin, declare as follows:

1. I am an attorney with the law firm of Mayer Brown LLP, counsel for Defendant Google, Inc. ("Google") in the above-captioned matter. I am admitted to practice law before this Court. I submit this declaration in support of Defendants' Joint Response to Plaintiffs' Administrative Motion to Seal Regarding Filings Related to Plaintiffs' Opposition to Defendants' Joint Motions *In Limine* that is being filed concurrently herewith. As an attorney involved in the defense of this action, unless otherwise stated, I have personal knowledge of the

1 facts stated in this declaration and if called as a witness I could and would competently testify to
2 them.

3 2. Google has identified and made specific and narrowly tailored redactions to
4 discrete portions of Plaintiffs' Opposition to Defendants' Joint Motions *In Limine* ("Plaintiffs'
5 Opposition to Motions *In Limine*"), as well as certain exhibits to the Declaration of Anne B.
6 Shaver In Support of Plaintiffs' Opposition to Defendants' Joint Motions *In Limine* ("Shaver
7 Declaration Exhibits"). These discrete portions are identified in detail in paragraph 4-11 below
8 and contain confidential and highly sensitive details about Google's compensation and recruiting
9 practices, as well as Google's contracts related to its business collaborations.

10 3. The basis for Google's proposed redactions, identified in paragraphs 4-11 below,
11 can be found in the Declarations of Frank Wagner (Google's Director of Compensation) that
12 were filed on October 9, 2012, November 12, 2012, and December 18, 2012 (ECF Nos. 201,
13 221, and 261 respectively), the Declaration of Laszlo Bock (Google's Senior Vice President of
14 People Operations) filed on January 25, 2013 (ECF No. 319-3), and the Declaration of Omid
15 Kordestani (Google Advisor and former Senior Vice President) that was filed on February 21,
16 2014 (ECF No. 666). In his declarations, Mr. Wagner describes the competitive harm that
17 Google would suffer if certain highly confidential and highly sensitive details about
18 Google's compensation, hiring, and recruiting practices that reflect Google's
19 internal deliberations and business strategy related to how Google recruits and how Google sets
20 and structures compensation (including salary, bonus and equity) for its employees were made
21 public. Mr. Bock's declaration describes the competitive harm that Google would suffer if the
22 manner in which Bill Campbell has been, and continues to be, compensated for his work as a
23 senior advisor to Google were made public. Finally, Mr. Kordestani's Declaration describes the
24 competitive harm that Google would suffer if certain highly confidential and highly sensitive
25 details about Google's contracts related to its business collaborations were made public.

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Google's Confidential Information in Plaintiffs' Opposition to Motions *In Limine* and Shaver Declaration Exhibits

4. The following portions of **Plaintiffs' Opposition to Motions *In Limine*** filed on April 17, 2014 contain highly confidential and sensitive information related to the amount and nature of Bill Campbell's compensation for his work as a senior advisor to Google: Page 19, lines 1-3.

5. The following portions of **Shaver Declaration Exhibit 1** (excerpts from the March 19, 2013 deposition of Sergey Brin) contain personally identifying information of a third-party: Pages 111:24, 112:3,6,13; 113:2,3.

6. The following portions of **Shaver Declaration Exhibit 13** (the November 25, 2013 Expert Report of Kevin Murphy) contain highly confidential information and details about Google's compensation and recruiting and retention strategies for its employees:

- a) Paragraph 86 (text in last sentence that begins after “total compensation at Google” and that ends before “from 2010 to 2011”)
- b) Paragraph 88 (text in second sentence that begins after “mean base salaries at Google,” and text in third sentence starting after “(i.e., stocks and options)”))
- c) Exhibit 4 on Page 40 (related to Google’s base salary and total compensation in 2003)
- d) Footnote 128 (last sentence)
- e) Footnote 130 (figures related to Google employee attrition only)

7. The following portions of **Shaver Declaration Exhibit 14** (the December 6, 2013 Expert Report of Edward Snyder) contain highly confidential compensation and recruiting data, including details about Google's sources for new hires and recruiting strategies and details about Google's hiring from and employee attrition to Intel:

- a) Paragraph 36
- b) Paragraph 39(ii)
- b) Exhibit 3a (figures pertaining to Google only).

1 8. The following portion of **Shaver Declaration Exhibit 15** (the November 25,
2 2013 Expert Report of Eric Talley) contains highly confidential data related to Google's sources
3 of new hires:

4 a) footnote 75 (page 19).

5 9. The following portions of **Shaver Declaration Exhibit 17** (the December 11,
6 2013 Reply Expert Report of Matthew Marx) contain highly sensitive and highly confidential
7 details of Google's business collaborations and its recruiting strategies:

8 a) Paragraph 31
9 b) Paragraphs 33-34.

10 10. The following portions of **Shaver Declaration Exhibit 18** (the October 28, 2013
11 Expert Report of Edward Leamer) contain highly contains highly confidential class summary
12 data:

13 a) Page 5, Figure 2 (only columns 3, 4 and 5 pertaining to Google).

14 11. The following portions of **Shaver Declaration Exhibit 19** (the December 11,
15 2013 Expert Report of Edward Leamer) contain highly confidential information and details about
16 Google's compensation for its employees:

17 a) Table 1 (columns 3, 4 and 5 pertaining to Google)
18 b) Figure 8 (both charts pertaining to Google salaries)
19 c) Figure 14, Page 44 (regarding average total compensation)
20 d) Paragraph 5 of Appendix A on page 77 (dollar figures only pertaining to
21 salary ranges).

22 12. Based on the declarations submitted by Frank Wagner (ECF Nos. 201, 221, 261),
23 Laszlo Bock (ECF No. 319-3), Omid Kordestani (ECF No. 666), the information identified in
24 Paragraphs 4-11 above is highly confidential and highly sensitive commercial information, from
25 which Google derives economic benefit by maintaining its confidentiality. Google does not
26 disclose this information to its competitors, customers or the general public. *Id.* Public
27 disclosure of this information would likely result in competitive harm to Google by giving third
28 parties, including its competitors, direct insight into confidential and sensitive aspects of

1 Google's internal decision-making processes and business strategy related to employee
2 compensation and recruiting and into contracts related to Google's business collaborations. *Id.*

3 I declare under penalty of perjury under the laws of the United States that the foregoing is
4 true and correct.

5 Executed on April 21, 2014 in Palo Alto, California. /s/ Anne M. Selin
6 Anne M. Selin

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